

County of Loudoun
Department of Planning
MEMORANDUM

DATE: February 9, 2009

TO: File SPEX 2009-0011, SPEX 2009-0029 and CMPT 2009-0002

FROM: Pat Giglio, Planner
Community Planning

SUBJECT: SPEX 2009-0011, SPEX 2009-0029 and CMPT 2009-0002
Potomac Radio, 2nd Referral

EXECUTIVE SUMMARY

The applicant, Potomac Radio, LLC, is requesting two Special Exceptions and a Commission Permit to construct an AM Radio Transmitter on a 7.5 acre leased area at the Broad Run Water Reclamation Facility owned by Loudoun Water. The subject property is located in the Ashburn Community of the Suburban Policy Area within an area planned for Keynote Employment uses. The proposed AM Radio Transmitter is not consistent with the type of uses or land use mix envisioned for Keynote Employment Centers. Plan policies do not support the location of the proposed use within a Keynote Employment Area. Additionally the applicant is seeking a Special Exception to locate the facility within the Broad Run floodplain, which is also not supported by the Green Infrastructure policies of the Plan. Staff does not support approval of the applications due to conflicts with Plan policies.

BACKGROUND

The applicant, Potomac Radio, LLC, is requesting two Special Exceptions and a Commission Permit to construct an AM Radio Transmitter within a 7.5-acre leased area located within the floodplain at the Broad Run Water Reclamation Facility owned by Loudoun Water. The proposed facility will consist of three 195' radio lattice towers (self-supporting lattice towers), a buried wire grounding system, transmitter building, dish antennae and back-up generator. The proposed construction will require the ground disturbing activities within the floodplain as well as the removal of some forest cover. The property is currently zoned PD-IP (Planned Development – Industrial Park) and governed under the provisions of the 1972 Zoning Ordinance. The proposed “public utility-communication and transmission use” is permitted within the zoning district by Special Exception approval and a separate Special Exception approval is required to locate the use within the floodplain. A Commission Permit is also required for all public facilities to

determine if the general location, character, and extent of the use is in substantial accord with the Comprehensive Plan.

The applicant has responded to Community Planning's first referral dated October 6, 2009. While the applicant has responded to all of the issues, the main issues pertaining to the incompatibility of the proposed AM Radio Transmitter use within a Keynote Employment Area and its location within the floodplain of the Broad remains. Staff has outlined the outstanding issues below.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The policies of the Revised General Plan, and the Dulles North Area Management Plan (DNAMP) govern the subject site. Being the newer of the two plans, the Revised General Plan supersedes the DNAMP when there is a policy conflict between the two (Revised General Plan, Chapter 1, Relationship to Other County Planning Documents, text). The subject property is located in the Ashburn Community of the Suburban Policy Area in an area planned for Keynote Employment uses (Revised General Plan, Planned Land Use Map, p. 7-23). The property is also located within the Route 28 Tax District.

The Keynote Employment Policies, Energy and Communication Facilities Policies and Environmental Policies of the Revised General Plan were used to evaluate the applications. The policies of the Strategic Land Use Plan for Telecommunications Facilities (Telecommunications Plan) were also applied in the evaluation of the applications.

OUTSTANDING ISSUES

A. LAND USE

The subject site and proposed AM Radio Transmitter are located in an area planned for Keynote Employment uses (Revised General Plan, Chapter 7, Planned Land Use Map). Keynote Employment uses include office parks, research and development parks, corporate headquarters, and similar large scale uses that are generally 40,000 gross square feet or greater which are designed to communicate a corporate image and reflect the County's growing prominence as a global crossroads for business (Revised General Plan, Chapter 6, Keynote Employment Center Policies, Policy 1). Staff in the first referral noted that the proposed AM Radio Transmitter is not the type of use envisioned in a Keynote Employment Area by the Plan, and that the proposed facility may be better located within a planned Industrial Area with other more compatible uses.

In response the applicant has provided background information outlining their search for properties in the area and how the merits of the "physical size, geographic location, geometric dimensions, soil type, zoning classification and compatibility" of the subject site make it the only suitable location for the proposed AM Radio Transmitter in the County. The applicant states that the broadcast services provided by the proposed radio station directly serve the office and business uses located within the surrounding Keynote Employment Area and the County as a whole. While staff acknowledges these comments, it does not address the fundamental issue, which is that Keynote Employment areas are intended to be "100-percent premier office or research-and-development centers supported by ancillary retail and personal services for employees" (Revised General Plan, Chapter 6, Keynote

Employment Center, text). Staff reiterates that the proposed AM Radio Transmitter use is not an ancillary office or employee supportive use and should not be located within a designated Keynote Employment Area. The proposed AM Radio Transmitter use is not consistent with the type of uses or land use mix envisioned for Keynote Employment Centers, as defined in the Revised General Plan (Revised General Plan, Chapter 6, Keynote Employment Center Policies, Policy 1). Plan policies do not support the location of the proposed AM Radio Transmitter within a Keynote Employment Area.

The proposed AM Radio Transmitter use is not consistent with the type of uses or land use mix envisioned for Keynote Employment Centers, as defined in the Revised General Plan. Plan policies do not support the location of the proposed AM Radio Transmitter within a Keynote Employment Area.

B. DESIGN AND VISUAL IMPACT

The Telecommunications Plan calls for design standards to mitigate the visual impacts of commercial public telecommunication facilities so as to “blend with the natural and built environment of the surrounding area” (*Telecommunications Plan, Countywide Visual Impacts, Policy 1*). The proposed AM Radio Transmitter on the subject site will consist of three (3) 195-foot self-supporting lattice towers with a buried grounding system extending in an overlapping 200 foot radius around each tower. A 20’x25’ transmitter building, satellite dishes and auxiliary generator will be located in proximity to the proposed antenna arrays near an existing gravel road that provides access to the site. In response to staff comments, the applicant has confirmed that the lattice towers will be constructed of galvanized steel and will be unpainted to blend with the gray sky. The applicant has also committed to a color scheme for the proposed transmitter building which is compatible with the existing buildings on the Loudoun Water Campus.

The applicant has submitted a photo-simulation (Exhibit A) which illustrates the differences between the appearance of a telecommunications monopole with its arrays of antennas and the tapering form of the self-supporting lattice towers of the proposed AM broadcast antennas. While staff acknowledges the thinner profile of the AM broadcast antenna is advantageous for the mitigation of visual impact, it still does not obscure the fact that the three (3) proposed 195-foot self-supporting lattice towers will have a significant visual impact on all the surrounding properties. The Applicant has submitted a series of photo simulations (Exhibit C) depicting the proposed lattice towers from various vantage points where views of the upper portions of the lattice towers will be silhouetted on the horizon from the majority of surrounding properties.

The proposed construction of the three (3) 195-foot lattice towers and ground mounted facilities have the potential of creating a significant visual impact on the surrounding businesses and properties.

C. GREEN INFRASTRUCTURE

Construction of the proposed AM Radio Transmitter on the 7.5 acre subject site within the stream corridor of the Broad Run will impact elements of the Countywide Green

Infrastructure which include ground-disturbing activities within the minor and major floodplain and removal of forest cover. The County recognizes stream corridors as important natural systems and seeks to protect these corridors by preserving, conserving, and restoring their water quality, flood protection, aquatic and wildlife habitat and scenic value through the establishment Plan policies that buffer and effectively manage the water resource and its associated corridor (Revised General Plan, Chapter 5, River and Stream Corridor Resource text). The policies of the Revised General Plan permit only a limited number of uses within stream corridors, including passive and active recreation, road crossings and bridges, utility corridors, pervious paths and trails, and agricultural activities (Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies, Policy 18). The proposed AM Radio Transmitter is not one of the types of uses envisioned by the Plan to be located within the stream corridor and more specifically the floodplain of Broad Run. In the first referral staff had recommended that the proposed AM Radio Transmitter be located outside the floodplain of the Broad Run in order to protect the stream corridor resources. In response the applicant states that the subject site is the only available location on the property.

The applicant has submitted a Planting Plan to mitigate the impacts of the proposed construction within the floodplain. The Planting Plan includes a proposal to plant loblolly pine seedlings and shrubs between the radials of the buried grounding system and to plant grasses and native plants on the remainder of the site. The layout of the radials as well as the Planting Plan, have also been designed to avoid impacts to an archaeological site on the property. The applicant has also provided commitments to limit the months of construction to avoid disruption of nesting activities to the Heron Rockery located on an adjacent property. While staff appreciates the applicant's commitment to the enhancement of the stream corridor and their plan to mitigate the potential environmental impacts associated with the proposed construction within the floodplain, the policies of the Revised General Plan do not support the construction of this type of use within the floodplain.

The River and Stream Corridor Resources policies of the Revised General Plan do not support the construction of the proposed AM Radio Transmitter within the floodplain.

RECOMMENDATIONS

Plan policies do not support the location of the proposed AM Radio Transmitter within a Keynote Employment Area or the location the facility within floodplain of the Broad Run. Staff does not support approval of the requested applications due to conflicts with Plan policy.

cc: Julie Pastor, AICP, Planning Director
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